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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/593,901

06/14/2000

David A. Monroe

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08/10/2005

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EXAMINER

HANNETT, JAMES M

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/593,901	Applicant(s) MONROE, DAVID A.	
	Examiner James M. Hannett	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/15/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 14-20, 25-42, 44 and 45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11-13, 21-24 and 43 is/are rejected.
- 7) ☒ Claim(s) 7-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/14/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of claims 1-13, 21-24 and 43 in the reply filed on 7/15/2005 is acknowledged.

Response to Arguments

Applicant's arguments with respect to claims 1-13, 21-24 and 43 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 1: Claims 1-3, 6, 11-13, 21, 24 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 90/05426 Sefton et al.
- 2: As for Claim 1, Sefton et al depicts in Figure 1 and teaches in the abstract and Page 4, Paragraph [9], Page 5, Paragraph [3], the use of a multi-imager camera operable under extremes of illuminations from high ambient lighting conditions to low lighting conditions without the need for multiple optical paths, comprising; a single lens system (1) for directing a beam; a beam-splitting mirror (2) adapted for receiving and distributing the beam directed by the single lens (1); the beam-splitting mirror (2) including a surface for dual-path diverting capability, wherein a first portion (V) of the directed beam is diverted in one direction and a second portion (IR) of the directed beam is diverted in a second direction; the surface of the beam-splitting

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mirror (2) is entirely partially-reflective and entirely partially-transmissive for creating different intensities of the beam (the intensity of the two beams varies in intensity respective to the visible light spectrum and IR light spectrum); a first image sensor (4) for receiving the first portion (V) of the directed beam; and a second image sensor (6) for receiving the second portion (IR) of the directed beam.

3: In regards to Claim 2, Sefton et al depicts in Figure 1 and teaches on Page 5, Paragraph [3] and Page 6, Paragraph [2] an image intensifier (5) associated with one of the image sensors (6) for intensifying the image under low ambient lighting conditions.

4: As for Claim 3, Sefton et al depicts in Figure 1 and teaches on Page 6, Paragraphs [2-4] the first diverted beam (V) is high ambient lighting beam and the second diverted beam (IR) is low ambient lighting beam.

5: In regards to Claim 6, Sefton et al depicts in Figure 1 and teaches on Page 6, Paragraph [4] and Page 5, Paragraph [3] a single data bus (S) for transmitting the data collected and processed by the image sensors (4 and 6) and further including selection means for enabling and disabling alternative of the sensors in order to assure only one image sensor is transmitting on the data bus at a time.

6: As for Claim 11, Sefton et al depicts in Figure 1 and teaches on Page 5, Paragraph [1-3] the first image sensor (4) is a color image sensor and the second image sensor (6) is a monochrome image sensor.

7: In regards to Claim 12, Sefton et al depicts in Figure 1 an image intensifier (5) positioned between the mirror (2) and the monochrome sensor (6).

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8: As for Claim 13, Sefton et al depicts in Figure 1 and teaches on Page 5, Paragraph [3] a relay lens (lens coupling) positioned between the image intensifier (5) and the monochrome sensor (6).

14: In regards to Claim 21, Sefton et al teaches on Page 5, paragraph [3] the use of a display device (monitor screen) for displaying the output video signal from the image sensors.

9: As for Claim 24, Sefton et al depicts in Figure 1 and teaches in the abstract and Page 4, Paragraph [9], Page 5, Paragraph [3] a camera comprising: a single lens system (1) adapted to direct a beam; a beam-splitting mirror (2) adapted to receive and distribute the directed beam; the beam-splitting mirror (2) including a surface for dual-path diverting capability (V and IR), and wherein the first portion of the directed beam (V) is diverted in one direction and a second portion of the diverted beam (IR) is diverted in a second direction. The surface of the beam-splitting mirror (2) is entirely partially-reflective and entirely partially-transmissive for creating different intensities of the beam; a first image sensor (4) adapted to receive the first portion (V) of the beam; a second image sensor (6) adapted to receive the second portion (IR) or the beam. A switch adapted to select an output from at least one of the image sensors.

10: In regards to Claim 43, Sefton et al depicts in Figure 1 and teaches in the abstract and Page 4, Paragraph [9], Page 5, Paragraph [3] a module, comprising: a single lens system (1) adapted to direct a beam; a beam-splitting mirror (2) adapted to receive and distribute the directed beam; a first image sensor (4) adapted to receive a first portion (V) of the distributed beam, whereby the first portion (V) of the distributed beam is high ambient lighting beam; and a second image sensor (6) adapted to receive a second portion (IR) of the distributed beam, whereby the second portion (IR) or the distributed beam is a low lighting beam.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11: Claims 4, 5, 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 90/05426 Sefton et al.

12: In regards to Claim 4, Sefton et al teaches the use of the camera which utilizes a color CCD image sensor and a IR CCD image sensor to capture images. However, Sefton et al does not teach that the image sensors can be digital imaging devices.

Official notice is taken that it was well know in the art at the time the invention was made to output the image signals from a CCD image sensor to an A/D converter so image processing could be performed on the image signals digitally, in order to better process the image signal.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the image capture system of Sefton to use digital imaging devices so image processing could be performed on the image signals digitally, in order to better process the image signal.

13: As for Claim 5, Sefton et al teaches the use of the camera which utilizes a color CCD image sensor and a IR CCD image sensor to capture images. However, Sefton et al does not teach that the image sensors can be digital imaging devices.

Official notice is taken that it was well know in the art at the time the invention was made to output the image signals from a CCD image sensor to an A/D converter so image processing could be performed on the image signals digitally, in order to better process the image signal.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the image capture system of Sefton to use digital imaging devices so image processing could be performed on the image signals digitally, in order to better process the image signal.

15: As for Claim 22, Sefton et al teaches that the image captured by the image sensor is output to a display. However, Sefton et al does not teach that the display can be contained in a viewfinder for the camera.

Official notice is taken that it was well known in the art at the time the invention was made to include a viewfinder display in a camera system so that a user can view the image captured free from ambient light glair.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a viewfinder display in the camera system of Sefton et al so that a user can view the image captured free from ambient light glair.

16: In regards to Claim 23, Official notice is taken that it was well know in the art at the time the invention was made to made cameras that are handheld and portable in order to allow a user to easily transport a camera.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the camera of Official notice is taken that it was well know in the art at the time the invention was made to made cameras that are handheld and portable in order to allow a user to easily transport a camera.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the camera of Bailey et al handheld and portable in order to allow a user to easily transport a camera.

Allowable Subject Matter

17: Claims 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

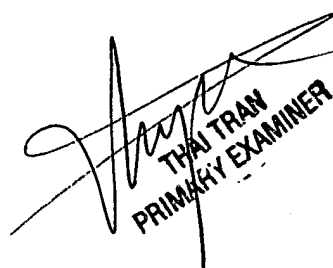
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett
Examiner
Art Unit 2612

JMH
August 8, 2005



THAI TRAN
PRIMARY EXAMINER